

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 05, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EAGLE WEST INSURANCE
COMPANY, a California corporation,

Plaintiff,

v.

ALEXANDER TODD DEWEESE, a
married person,

Defendant.

No. 2:20-cv-00445-SMJ

ORDER DISMISSING CASE

On March 30, 2021, Plaintiff filed a Notice of Mandatory Voluntary Dismissal without Prejudice Under Fed. R. Civ. P. 41(a)(1)(A)(i), ECF No. 7. When Plaintiff filed the notice, Defendant had served neither an answer nor a summary judgment motion.¹

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¹ Although Defendant has since filed an answer with counterclaims, it had not done so when Plaintiff filed its notice. *See* ECF No. 9. The Court's Order granting Defendant's motion for extension of time, ECF No. 8, which was filed nearly simultaneously with Plaintiff's notice, does not change the Court's obligation to dismiss under Rule 41. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Consistent with Plaintiff's notice and Federal Rule of Civil Procedure 41(a)(1)(A)(i), **IT IS HEREBY ORDERED:**

1. Plaintiff's Notice of Mandatory Voluntary Dismissal without Prejudice Under Fed. R. Civ. P. 41(a)(1)(A)(i), **ECF No. 7**, is **ACKNOWLEDGED**.

2. All claims are **DISMISSED WITHOUT PREJUDICE**, with all parties to bear their own costs and attorney fees.


3. All pending motions are **DENIED AS MOOT**.

4. All hearings and other deadlines are **STRICKEN**.

5. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 5th day of April 2021.



SALVADOR MENDOZA, JR.
United States District Judge